

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

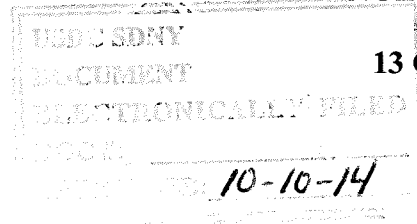
UNITED STATES OF AMERICA

-v.-

ESFRAN SILVA,

Defendant.

NOLLE PROSEQUI



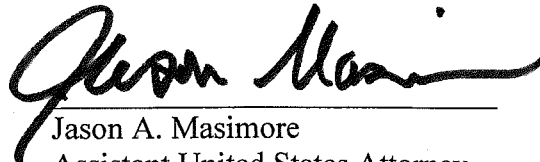
13 Cr. 811-ALC-12

1. The filing of this *nolle prosequi* will dispose of this case with respect to the defendant ESFRAN SILVA.

2. On August 19, 2014, the defendant, ESFRAN SILVA, waived indictment and agreed to the filing of Superseding Information S2 12 Cr. 298 (TPG), which charged SILVA in thirteen counts. (Attached hereto as Exhibit A.) Count One charged SILVA with participating in a conspiracy to burglarize pharmacies of controlled substances, in violation of Title 18, United States Code, Section 2118(d). Each of Counts Two through Thirteen charged SILVA with the commission of a burglary or attempted commission of a burglary of a pharmacy, in violation of Title 18, United States Code, Sections 2118(b) and 2. At the same time, pursuant to a plea agreement, the defendant, ESFRAN SILVA, withdrew his previously entered plea of not guilty and pleaded guilty to all thirteen counts.

3. Because the conduct charged in Superseding Information S2 12 Cr. 298 (TPG) encompassed the conduct charged with respect to ESFRAN SILVA in Indictment 13 Cr. 811 (ALC), the Government agreed in the plea agreement to dismiss Indictment 13 Cr. 811 (ALC) after SILVA's guilty plea to all thirteen counts of Superseding Information S2 12 Cr. 298 (TPG).


4. Because identical charges have been filed against ESFRAIN SILVA in Superseding Information S2 12 Cr. 298 (TPG), and SILVA has pleaded guilty to all of those charges, and because the Government has concluded that further prosecution of SILVA on Indictment 13 Cr. 811 (ALC) would raise double jeopardy concerns, I recommend that an order of *nolle prosequi* be filed as to the defendant, ESFRAIN SILVA, with respect to Indictment 13 Cr. 811 (ALC).


Jason A. Masimore
Assistant United States Attorney
Tel.: 212-637-2580

Dated: New York, New York

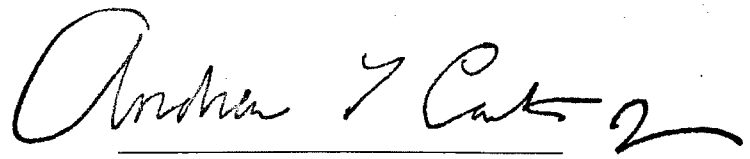
~~September 3, 2014~~
October 1, 2014

Upon the foregoing recommendation, I hereby direct, with leave of the Court, that an order of *nolle prosequi* be filed as to defendant ESFRAIN SILVA with respect to Indictment 13 Cr. 811 (ALC).


PREET BHARARA JHK
United States Attorney
Southern District of New York

Dated: New York, New York
September 30, 2014

SO ORDERED:


HON. ANDREW L. CARTER, JR.
United States District Judge
Southern District of New York

Dated: New York, New York

~~September 3, 2014~~
October 3, 2014